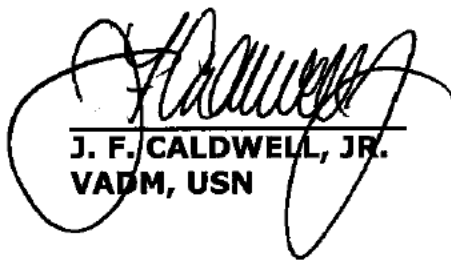


NAVAL INSPECTOR GENERAL

REPORT OF INVESTIGATION

Subj: SENIOR OFFICIAL CASE 201303066; ALLEGED VIOLATIONS OF THE JOINT TRAVEL REGULATIONS BY JOHN F. WAGNER, EXECUTIVE ASSISTANT DIRECTOR, PACIFIC OPERATIONS, NAVAL CRIMINAL INVESTIGATIVE SERVICE (NCIS)




J. F. CALDWELL, JR.
VADM, USN

~~NAVINGEN reports are internal memoranda and constitute privileged information that is not releasable outside DON except with specific approval of NAVINGEN. All requests from sources outside the original distribution for NAVINGEN reports, extracts there from, or related correspondence shall be referred to NAVINGEN for coordination and clearance. (SECNAVINST 5430.57G)~~

~~FOR OFFICIAL USE ONLY~~

Office of the Naval Inspector General**Case Number: 201303066****Report of Investigation****24 Feb 2014**

Subj: SENIOR OFFICIAL CASE: 201303066 ALLEGED VIOLATIONS OF THE JOINT TRAVEL REGULATIONS BY JOHN F. WAGNER, EXECUTIVE ASSISTANT DIRECTOR, PACIFIC OPERATIONS, NAVAL CRIMINAL INVESTIGATIVE SERVICE (NCIS)

PRELIMINARY STATEMENT

1. In an undated letter to the Secretary of the Navy, an anonymous complainant asserted that Special Agent (SA) John F. Wagner, Executive Assistant Director, Pacific Operations, NCIS, engaged (b) (6), (b) (7)(C) and abusive official travel (TDY) (b) (6), (b) (7)(C)

and Honolulu, HI, in July 2013. (b) (6), (b) (7)(C)

2. During the course of our investigation an emergent allegation was identified that while TDY to Honolulu, SA Wagner rented a vehicle at Government expense but used the vehicle for personal use rather than for official business.

3. We formed the following allegations:

Allegation #1: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Conclusion: The allegation is not substantiated.

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IG channels without the approval of the Naval IG.~~

Allegation #2: That SA Wagner rented a vehicle, incurred parking fees, and used gasoline at Government expense while on official travel to Honolulu, HI, for primarily personal use in violation of the Joint Ethics Regulation (JER), Section 2635.702, "Use of Public Office for Private Gain."

Conclusion: The allegation is substantiated.

4. On January 29, 2014, we informed Mr. Wagner of our tentative conclusion that he improperly rented a vehicle, incurred parking fees, and used gasoline at Government expense for primarily personal use in violation of the JER. We provided Mr. Wagner with a copy of our preliminary report of investigation and gave him the opportunity to comment on our tentative conclusion.

5. In a letter, dated February 10, 2014, Mr. Wagner accepted responsibility for misuse of the rental car. He stated that he had initiated steps to reimburse the Government \$280, which is the amount we calculated he was overpaid for his TDY expenses. Mr. Wagner wrote that he has reviewed the JER and is committed to ensuring that he does not repeat this behavior.

BACKGROUND

6. SA Wagner is the Executive Assistant Director (EAD) for Pacific Operations. He assumed that position in December 2012. As the EAD for Pacific Operations, SA Wagner's geographic area of responsibility extends from the West Coast to the Central United States and from the Arctic Circle to the Gulf of Mexico. There are seven subordinate Field Offices in the Pacific Operations AOR. SA Wagner's office is on Naval Base Point Loma.

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IG channels without the approval of the Naval IG.~~

FINDINGS OF FACT

(b) (6), (b) (7)(C)

7. (b) (6), (b) (7)(C)

[REDACTED]

8. (b) (6), (b) (7)(C)

[REDACTED]

9. (b) (6), (b) (7)(C)

[REDACTED]

10. (b) (6), (b) (7)(C)

[REDACTED]

11. (b) (6), (b) (7)(C)

[REDACTED]

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IC channels without the approval of the
Naval IC.~~

(b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]

12. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

14. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IC channels without the approval of the
Naval IG.~~

17. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
18. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
19. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
20. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
21. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
22. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 (b) (6), (b) (7)(C) [REDACTED]

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IG channels without the approval of the
Naval IG.~~

(b) (6), (b) (7)(C) [REDACTED]

23. (b) (6), (b) (7)(C) [REDACTED]

24. (b) (6), (b) (7)(C) [REDACTED]

25. (b) (6), (b) (7)(C) [REDACTED]

26. (b) (6), (b) (7)(C) [REDACTED]

- (b) (6), (b) (7)(C) [REDACTED]
- (b) (6), (b) (7)(C) [REDACTED]
- (b) (6), (b) (7)(C) [REDACTED]
- (b) (6), (b) (7)(C) [REDACTED]

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IC channels without the approval of the Naval IG.~~

Honolulu, Hawaii

27. SA Wagner traveled from his residence in San Clemente, CA, to Honolulu, HI, on Friday, August 9, 2013. He departed Honolulu on Thursday, August 15, and returned to his residence.

(b) (6), (b) (7)(C)

[REDACTED]

28. (b) (6), (b) (7)(C)

[REDACTED]

29. On Friday, August 9, SA Wagner traveled from Los Angeles International Airport (LAX) on a flight that was scheduled to depart at 6:15 p.m. and arrive at Honolulu International Airport at 8:55 p.m. (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED] SA Wagner rented a compact car at the airport at Government expense. SA Wagner drove the rental car to the Hale Koa.

30. The Hale Koa is approximately 10 miles from the Honolulu International Airport. Its website states that the cost of a taxi from the airport is approximately \$45.

31. SA Wagner and his family stayed at the Hale Koa from Friday through Tuesday (August 9 - 13). On Wednesday (August 14) they moved to the Double Tree Hotel and stayed at that hotel for one night. The cost for lodging at the Hale Koa was \$207.00 per night and \$7.00 for parking. The cost for lodging at the Double Tree was \$309.00 and \$30.00 for parking.

² The Hale Koa is one of four Armed Forces Recreation Centers.

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IC channels without the approval of the Naval IG.~~

32. (b) (6), (b) (7)(C) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

33. (b) (6), (b) (7)(C) [REDACTED]
 [REDACTED]
 [REDACTED]

34. (b) (6), (b) (7)(C) [REDACTED], the (b) (6), (b) (7)(C) [REDACTED], testified that he picked up SA Wagner at the Hale Koa and drove him to HIHN on Joint Base Pearl Harbor-Hickam on Monday, Tuesday, and Wednesday. He also testified that he dropped SA Wagner off at his hotel each evening (the Hale Koa on Monday and Tuesday and the Double Tree on Wednesday). He said the pick-ups were at approximately 7:30 a.m. and the drop offs at 5:30 p.m.

(b) (6), (b) (7)(C) [REDACTED] stated that he was "99.9 percent sure" that prior to SA Wagner's arrival in Hawaii he spoke with SA Wagner and offered to drive him from his hotel to HIHN and back each day.

35. (b) (6), (b) (7)(C) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

SA Wagner testified that (b) (6), (b) (7)(C) [REDACTED] brought him back to the Hale Koa sometime between 5:00 and 6:00 p.m.

36. (b) (6), (b) (7)(C) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IC channels without the approval of the Naval IC.~~

38. (b) (6), (b) (7)(C)

39. (b) (6), (b) (7)(C) [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] SA Wagner testified that (b) (6), (b) (7)(C)
picked SA Wagner up from the Hale Koa and drove him to HIHN and
(b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
(b) (6), (b) (7)(C) [REDACTED] [REDACTED]
[REDACTED]

40. (b) (6), (b) (7)(C)

~~Do not release outside of IG channels without the approval of the Naval IG.~~

41. (b) (6), (b) (7)(C)

42. SA Wagner testified that other than driving the rental car from the airport to the Hale Koa, and from the Double Tree to the airport, he only used the rental car on the weekend. He testified he used the car "visiting friends and driving around the island." He also testified that his wife drove the rental car from the Hale Koa to the Double Tree on Wednesday and took it to the beach one day. The rental car receipt establishes that the car was driven 95 miles.

43. (b) (6), (b) (7)(C)

44. (b) (6), (b) (7)(C)

- (b) (6), (b) (7)(C)

- (b) (6), (b) (7)(C)

- (b) (6), (b) (7)(C)

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IC channels without the approval of the Naval IC.~~

- SA Wagner submitted a receipt for and paid \$300.26 for a rental car for the period he was on Honolulu (August 9 - 15);
- SA Wagner submitted receipts for \$51 for parking and was paid for the period he was on Honolulu (August 9 - 15); and
- SA Wagner submitted a receipt for \$19.30 for gasoline and was paid.

APPLICABLE STANDARDS

45. The JER, Section 2635.702, "Use of Public Office for Private Gain," states, in part, that an employee shall not use his public office for his own private gain.

46. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

47. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

48. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]

49. (b) (6), (b) (7)(C) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IG channels without the approval of the Naval IG.~~

(b) (6), (b) (7)(C)

50. (b) (6), (b) (7)(C)

51. (b) (6), (b) (7)(C)

52. (b) (6), (b) (7)(C)

53. (b) (6), (b) (7)(C)

54. (b) (6), (b) (7)(C)

55. U.S. Government Rental Car Agreement, Number 4, Paragraph 15, "Authorized Drivers," provides that only Government travelers in official travel status are authorized to drive a Government paid rental car. Paragraph 18, "Insurance, Damage Liability, and Billing for Damages," states that the rental car company is responsible for loss or damage to a rental car driven by authorized drivers. Neither the Government nor Authorized Drivers are responsible for loss or damage. When

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IC channels without the approval of the Naval IG.~~

vehicles are driven by unauthorized drivers, however, the company is not responsible for damages.

ANALYSIS

Allegation #1: (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

56. (b) (6), (b) (7)(C)

[REDACTED]

57. (b) (6), (b) (7)(C)

[REDACTED]

Honolulu, Hawaii

58. (b) (6), (b) (7)(C)

[REDACTED]

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IG channels without the approval of the Naval IG.~~

(b) (6), (b) (7)(C)

59. (b) (6), (b) (7)(C)

60. (b) (6), (b) (7)(C)

61. (b) (6), (b) (7)(C)

62. (b) (6), (b) (7)(C)

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IC channels without the approval of the
Naval IG.~~

(b) (6), (b) (7)(C)

CONCLUSION

63. The allegation is not substantiated.

Allegation #2: That SA Wagner rented a vehicle, incurred parking fees, and used gasoline at Government expense while on official travel to Honolulu, HI, for primarily personal use in violation of JER, Section 2635.702, "Use of Public Office for Private Gain."

64. We determined that SA Wagner knew that (b) (6), (b) (7)(C) would drive him to and from his hotel and HIHN while TDY. (b) (6), (b) (7)(C) testified that he had arranged this with SA Wagner prior to SA Wagner traveling to Hawaii.

65. We also determined that SA Wagner used the rental car for limited official business, but rather for primarily personal use. He testified that he only drove in the vehicle to travel between the airport and his hotels and on the weekend. He also testified that on the weekend he used the car to go with his family to visit friends and travel on the island. These were not official functions.

66. We noted that transportation to and from the airport was official business. The taxi fare, however, would have been only \$90. We, therefore, determined that in accordance with JTR, Section C2000, SA Wagner failed to exercise prudence by spending \$300 for the rental car for travel to and from the airport. Since SA Wagner was not authorized reimbursement for the rental car, he was also not authorized reimbursement for parking and gasoline expenses. We determined that SA Wagner received \$280

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IG channels without the approval of the Naval IG.~~

(\$370 less \$90, the amount a taxi would have cost) to which he was not entitled.

67. In addition to the failure to exercise fiscal prudence in renting the car, SA Wagner permitted his wife to operate the rental car in violation of the U.S. Government Rental Car Agreement, Number 4. She was not an authorized driver.

CONCLUSION

68. The allegation is substantiated.

~~FOR OFFICIAL USE ONLY~~

~~Do not release outside of IG channels without the approval of the
Naval IG.~~